

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DEANGELO D. LOBLEY,

Plaintiff,

v.

Case No. 18-CV-812

**TOUKAO YANG,
LT. DANIEL CUSHING, and
MICHAEL COLE,**

Defendants.

ORDER

On November 8, 2019, the defendants filed a motion for partial summary judgment on exhaustion grounds in which they argue that Lobley failed to exhaust his administrative remedies as to his retaliation claims. (Docket #47.) Lobley filed a response (Docket #58) and the defendants filed a reply (Docket ##59-61). In response to the defendants' motion, Lobley agrees that his retaliation claims against defendants Cushing and Cole should be dismissed on exhaustion grounds. (Docket #58 at 10-11.) Lobley contends that he did exhaust his administrative remedies as to his retaliation claims against defendant Yang.

The defendants' brief in support of their summary judgment motion references proposed findings of fact, but they did not file any proposed findings of fact along with their summary judgment motion. This appears to have been an oversight, since the defendants' summary judgment brief references their proposed findings of fact.

Under the circumstances, I will direct defendants to file their proposed findings of fact within ten days of the date of this order. Lobley will then have until July 17, 2020, to file a supplemental response to the defendants' motion, including responses to the defendants' proposed findings of fact. If Lobley files a supplemental response, defendants will have fourteen days from the date it is filed to file a supplemental reply.

THEREFORE, IT IS ORDERED that the defendants file their proposed findings of fact referenced in their motion for partial summary judgment within ten days of the date of this order.

IT IS FURTHER ORDERED that, on or before **July 17, 2020**, Lobley may file a supplemental response to the defendants' motion for summary judgment. If Lobley files a supplemental response, defendants will have fourteen days from the date it is filed to file a supplemental reply.

Dated at Milwaukee, Wisconsin, this 18th day of May, 2020.

BY THE COURT:

s/Nancy Joseph _____
NANCY JOSEPH
United States Magistrate Judge